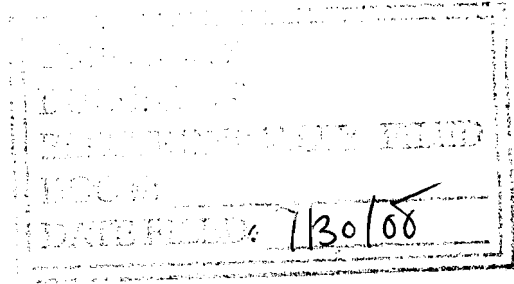


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
FRANK McGRIGG, :

Petitioner, : 08 Civ. 6238 (RMB)(DF)

-against-

J.M. KILLIAN, WARDEN :

Respondent. :

-----X

ORDER

DEBRA FREEMAN, United States Magistrate Judge:

This case having been referred by the Honorable Richard M. Berman, U.S.D.J., and the Court having examined the petition in this action pursuant to 28 U.S.C. § 2241 and concluded that the petition should not be summarily dismissed, it is hereby ORDERED that:

1. The United States Attorney for the Southern District of New York shall file a response to the petition, along with any plea, sentencing, and post-conviction records and transcripts that may be relevant to that response, no later than August 29, 2008.
2. Petitioner shall serve and file reply papers, if any, no later than September 29, 2008.
3. The Clerk of the Court shall serve upon the United States Attorney for the Southern District of New York, by certified mail, return receipt requested, a copy of this Order, the petition, and any documents filed in support of the petition, and the form for consent to proceed before a United States Magistrate Judge.

If both parties consent to refer this case to a United States Magistrate Judge for all purposes, the consent form should be executed and returned to the Court.

Dated: New York, New York
July 30, 2008

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

Copies To:

Hon. Richard M. Berman
United States District Judge

Mr. Frank McGrigg
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FCI Otisville
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